



Appeal Decision

Site visit made on 17 January 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Appeal Ref: APP/F4410/W/22/3305570

West Lodge, Sutton Road, Campsall, Doncaster DN6 9JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Sayles of Elmfield Doncaster Ltd against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 22/00102/FUL, dated 14 January 2022, was refused by notice dated 7 March 2022.
 - The development proposed is Erect detached chalet bungalow and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has provided a Light Impact Report¹ (LIR) as part of the appeal submission in order to address one of the Council's reasons for refusal. An appeal should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which interested parties' views were sought. The Council has had sight of the LIR and has had the opportunity to comment. It has done so in its appeal statement. Interested parties have also commented. I am therefore satisfied that no party's interest would be prejudiced by the acceptance of this document.

Main Issues

3. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Campsall Conservation Area;
 - the effect of the proposed development on trees;
 - whether the proposed development would provide adequate living conditions for future occupiers;
 - the effect of the proposed development on the living conditions of occupiers of neighbouring properties; and
 - the effect of the proposed development on highway safety.

¹ By Planning for Sustainability, dated April 2022.

Reasons

Conservation Area

4. The Campsall Conservation Area (the CA) is characterised predominantly by residential properties of a mix of ages set on the edge of countryside. The built form is interspersed by mature trees and areas of green space giving the CA a verdant and rural character. Whilst there have been several instances of relatively recent housing developments, the prevalence of mature trees and the spaces between them, in part, ensures that these often sit relatively comfortably alongside the traditional buildings of the village.
5. Overall, the significance of the CA insofar as it relates to this appeal, derives from the presence of mature trees and green spaces and proximity to countryside providing a verdant and rural character.
6. The appeal site comprises the wooded grounds of West Lodge, a distinctive lodge building that originally served Campsall Hall, demolished in 1983. The building's distinctive features include its single storey nature, a canted projection to one side and its relatively shallow hipped roof with deep eaves. It was originally located at the entrance to an access road serving Campsall Hall that has now been removed.
7. Alongside its stone boundary wall and gateposts, it is a last remnant of the buildings of the Campsall Hall estate and evidence of the role that the estate played in the history of the village. The building originally stood in isolation at the entrance to the village and the estate. This isolation has been somewhat reduced in intervening years as the village has developed.
8. A modern, flat-roofed garage building has been constructed within the garden. Nevertheless, due to its position towards the back of the garden, the predominantly open nature of the appeal site alongside its mature trees help to retain a degree of separation from the rest of the village. Furthermore, owing to its verdant undeveloped nature, the appeal site helps to reinforce the character of the CA.
9. Whilst I accept that West Lodge has had modern alterations including a replacement roof covering, modern porch and UPVC windows the building remains a distinctive feature of the CA that is readily differentiated from more recent developments nearby. Whilst not included in a local list, it is identified as a 'notable building' within Campsall/Norton Village Design Statement (1998). Notwithstanding this, owing to its form, position and historical connection to Campsall Hall, I am of the view that West Lodge is of sufficient heritage significance to warrant being considered as a non-designated heritage asset.
10. Paragraph 203 of the National Planning Policy Framework (the Framework) sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
11. There is a dispute between the parties as to the extent of garden space that formed part of West Lodge. The appellant is also of the view that there were previously dwellings here. It is argued that there were two late nineteenth century houses within the area forming the appeal site until they were fully

demolished after 1960. It is argued that the present-day form of West Lodge within a generous, large garden is not historically accurate and gives a somewhat misleading impression of the nature of the setting of the lodge for most of its history.

12. This assertion is based upon evidence from the Ordnance Survey Maps. However, the buildings shown on the series of maps are very small. Collectively their footprints are noticeably smaller than West Lodge which itself is not a large building. They are also substantially smaller than other dwellings on the map provided. This leads me to doubt that these buildings were used as dwellings. Furthermore, the Council has provided an aerial photograph of 1937 showing clearly the dwelling of West Lodge and that of the nearby dwelling of Woodside but with little evidence of the said dwellings. I am therefore not convinced by the appellant's evidence that there were dwellings here and I find the Council's argument that these are outbuildings serving West Lodge more compelling. I am not of the view that there is a historic precedent for dwellings at the appeal site.
13. As such, in my view the appeal site is an important part of the asset's setting and the surroundings in which it is experienced. Whilst it is not certain as to the exact boundary of the garden of West Lodge when it functioned as a lodge to Campsall Hall, the open verdant space around it is nonetheless reflective of its undeveloped surrounds at this time. Moreover, the appeal site allows the distinctive appearance of the building to be appreciated, giving it a prominence upon entering the CA.
14. The provision of a sizeable dwelling, garage, hard and soft landscaping, and boundary treatments on the appeal site would intrude significantly into the green space forming the setting of West Lodge, diminishing its rural verdant character. Whilst I accept that the trees are intended to be retained, they would nonetheless, be obscured by the proposed dwelling with the site becoming more suburban in appearance to the detriment of the rural setting of the village.
15. Moreover, the proposed dwelling would be located at a higher ground level than the appeal site and would be sited relatively close to the road. Given its two storey nature (albeit with rooms in the roof space) it would dominate the low roofed West Lodge, further diminishing its significance and prominence at the entrance to the village and the CA.
16. Overall, the proposed development would result in significant harm to the character and appearance of the streetscene and to the setting of West Lodge, a non-designated heritage asset, and would thereby fail to preserve or enhance the CA. Nevertheless, the harm would be less than substantial and in accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal including, where appropriate, securing its optimum viable use.
17. Section 72(1) of the Act² requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I have attached considerable importance and weight.

² Planning (Listed Buildings and Conservation Areas) Act 1990.

18. In terms of public benefits, the proposal would result in the provision of one new dwelling which would help contribute to housing supply. Minor economic benefits would arise from its construction and occupation, whilst there would also be minor benefits in terms of supporting local services.
19. The appellant has set out that it may be possible to reinstate the access to the lodge which would represent a betterment for the historic environment and has suggested that a Grampian condition on any grant of approval could secure this. However, I have no details of the extent of reinstatement that would take place or how this would be carried out. Without this information at this stage, I cannot give this proposal any more than limited weight. Moreover, even if a length of access were re-instated, I am not convinced that this would be likely to outweigh the harm I have identified above, when considered alongside the other benefits.
20. As such, taken together, the comparatively minor benefits referred to above would not be outweighed by the significant harm to the character and appearance of the CA that I have identified.

Trees

21. As set out above, the appeal site contains a number of mature trees which contribute significantly to the verdant character of the CA. Many of these are protected by A14 and A15 Doncaster Rural District Council Tree Preservation Order (No.18) 1972 Campsall with Sutton. The appellant has provided a Arboriculture Report and Impact Assessment³ (ARIA).
22. The ARIA states that potentially damaging activities are proposed in the vicinity of the protected trees. The new dwelling and detached garage are proposed to encroach into the identified Root Protection Areas (RPAs) of T1, T2, T3 and T5. Three of the trees impacted upon are assessed as being of high amenity by the ARIA and, based on their contribution to the CA and my above assessment, I would agree.
23. As is noted by the ARIA, construction within the RPA can have negative impacts on tree roots. Nonetheless, the ARIA argues that the proposed footprints lie within areas of existing hardstanding which can limit the spread of significant tree roots, and as such reduce negative impact from the development works. However, the application was not supported by a plan detailing the extent of the existing hardstanding.
24. Nonetheless, from my impressions on site, it is evident that parts of the RPA of T1 that are not hardsurfaced would be subject to encroachment by both the proposed driveway and part of the dwelling. Similarly, non-hardsurfaced parts of the RPA of T5 would be impacted upon by the dwelling and those of T2 and T3 would appear to be encroached by the new garage.
25. Furthermore, whilst reference is made in the ARIA to the proposed fence posts being hand dug, no details of how any drainage or other services, would avoid damage to root systems is provided. In this regard it appears from the plans that the proposed foul drainage would also encroach into the RPA of T1.
26. Whilst the ARIA mentions that the use of micro pile foundations can be utilised to further minimise any negative impact on the tree roots, there is no detail of

³ By AWA Tree Consultants, dated January 2022.

this, or the precise location where such measures would be undertaken. Similarly, the appellant's statement mentions the possibility of rafts, mini piles and cantilevers that could be utilised, but there is no firm commitment or details of which of these would be provided. The appellant states that such measures could be included in a planning condition if considered necessary, however, given the lack of detail I cannot be certain which measure would be most suitable or whether this would address the issue.

27. On the evidence that is before me, I am not convinced that the proposed development could be constructed without causing harm to the trees through damage to their root systems, leading to their decline or loss in the future.
28. The Council sets out that the proposal would also lead to overshadowing of the dwelling causing future occupants to remove the trees. The aforementioned LIR acknowledges that there would be shading from the trees, although concludes that diffuse daylight and sunlight availability to rooms, windows and garden would be within the BRE guidelines. Notwithstanding my conclusions below with respect to living conditions, I would note that shading from trees does not need to have a significant effect on living conditions for future occupants to seek their removal.
29. Indeed, the proposal shows that the dwelling would sit very close to the crowns of the trees with that of T5 skirting the corner of the building at present and T2 and T3 extending above the garage. Over time the trees would encroach further over the buildings, particularly when having regard to the long life expectancy of the trees indicated in the ARIA. As set out by the Council's Tree Officer, such a close relationship to large trees can cause apprehension to occupiers of nearby buildings or spaces, particularly during extreme weather such as high winds.
30. Furthermore, trees in such close proximity to a dwelling can create a perceived nuisance, due to leaves, beech nuts, general detritus and bird droppings falling on the dwelling, garden, driveways and parked cars. Fallen leaves may block guttering. The presence of trees may also inhibit the growth of lawns or other landscaping. Alongside the aforementioned apprehension over the safety of the trees, this would likely lead to future pressure to prune or remove them. I recognise that any such works would require consent from the Council, but when exercising that control in the future, the Council would have to take into account the existing situation including the presence of the proposed dwelling.
31. I accept that prospective buyers of the proposed dwelling would be aware of the existing trees at the time of purchase. However, the effects of the trees on everyday living conditions may not be fully appreciated, particularly as the trees grow over time.
32. Overall, having regard to the above and, on the basis of the evidence that is before me, I am not convinced that the proposed development could be constructed without leading to harm to the trees. The proposed development would therefore be contrary to Policies 32 and 33 of the LP which, amongst other things, seek to ensure proposals for new development protect landscape character and successfully integrate and protect existing trees and hedges in development proposals where they contribute positively. There would also be conflict with Framework paragraph 131 which recognises the important contribution of trees and sets out that existing trees should be retained wherever possible.

Living Conditions – Existing Occupiers

33. The proposal would introduce a noticeably taller building between the predominantly single storey dwellings of West Lodge and The Bungalow to the north. The appellant states that the proposal would be 15 metres away from The Bungalow and 13 metres from West Lodge.
34. Whilst the LIR concludes that the proposal would not cause a material effect on neighbours' daylight or sunlight levels, the LIR is not clear whether or not the effect on light levels at neighbouring gardens is taken into account. Indeed, it refers to the '*impact on daylight and sunlight in neighbouring properties*' and makes no reference to their garden areas. Furthermore, no measurements are shown in this regard. The LIR therefore carries limited weight with regard to the effect on light levels at neighbouring gardens.
35. The new dwelling would lie to the south of The Bungalow and, given its height, proximity and length would inevitably lead to some overshadowing of the rear garden of this property. This is the main area of amenity space for The Bungalow, with only limited space to the front and sides. Moreover, this space is already subject to shading from the mature trees. The presence of the trees would exacerbate the impact of the proposal and the resulting overshadowing would be detrimental to the enjoyment of the garden by the occupiers of The Bungalow, adversely affecting living conditions.
36. West Lodge currently has an open outlook over the appeal site. The proposed dwelling would be constructed relatively close to the new garden boundary with West Lodge and would extend for a considerable amount of its length. The appeal site is at a higher level than West Lodge and the proposed dwelling would be significantly taller. As such given the length, height and proximity, the proposal would likely result in a significant reduction in outlook from the existing dwelling. In views from the garden and the windows facing the appeal site, the appeal proposal would appear as an overbearing and oppressive form of development that would adversely affect the living conditions of future occupiers of West Lodge.
37. For the above reasons the proposal would adversely affect the living conditions of the occupiers of existing dwellings, including West Lodge. The proposal would therefore conflict with Policies 10 and 44 of the LP which together, and amongst other things, seek to ensure new development provides an acceptable level of residential amenity for both new and existing residents, including not significantly impacting on the living conditions or privacy of neighbours or the host property (including their private gardens).

Living Conditions - Future Occupiers

38. Due to the presence of the trees, the proposal would likely lead to shading of the garden and dwelling which could cause future occupants to seek to remove or carry out works to trees. A degree of shading is acknowledged by the LIR. A daylight and sunlight assessment was carried out. This concluded that both the anticipated diffuse daylight and sunlight availability to proposed rooms, windows and garden was within the compliance levels of the BRE guidelines.
39. On the basis of this evidence and my observations on site, I am satisfied that the outdoor space or interior of the dwelling would not be overshadowed to the extent that it would be harmful to living conditions.

40. Overall, whilst I agree with the Council that the presence of trees could become a nuisance to future occupants as outlined above, I am satisfied that the proposal would nonetheless provide acceptable living conditions for future occupants. In this regard the proposal would comply with Policy 10 of the LP which seeks to ensure new development provides an acceptable level of residential amenity for both new and existing residents. There would also be compliance with Policy 44 of the LP insofar as it requires new development to provide a decent outlook for new homes, with adequate privacy, and good access to daylight and sunlight. The proposal would also comply with the provisions of paragraph 130 of the Framework insofar as it seeks to ensure new developments provide a high standard of amenity for existing and future users.

Highway Safety

41. The appeal proposal includes the provision of a driveway and parking area with a turning head to allow cars to enter and exit the proposed driveway in a forward gear. The Council has provided a swept path analysis showing that in order for a large car to enter and exit to the left, it would need to cross the centre line of the road into the path of oncoming traffic, to the detriment of highway safety. However, having regard to the width of the access and the narrowness of the road, it is likely that some larger vehicles would need to cross the centre line in order to enter or exit the existing access at present. Whilst it may lead to vehicles crossing further into the opposing lane than they do currently, it would not significantly worsen the existing situation.
42. The access and proposed driveway are not proposed to be shared with West Lodge and therefore, the use of the access would be limited to that generated by the proposed dwelling. The plans show West Lodge utilising the alternative access into the site which previously formed the entrance to Campsall Hall. This is also an existing access and there is little control over its use.
43. The proposal may represent a small increase in use of the existing access when considering that vehicle movements previously generated by West Lodge were shared between two accesses. However, this small increase in use, less than that generated by a single dwelling, would be unlikely to have a significant effect on highway safety.
44. For the above reasons I conclude that the proposal would not have an unacceptable impact on highway safety. It would therefore comply with Policy 13, 43 and 44 of the LP and paragraphs 110 and 111 of the Framework which together, and amongst other things, seek to ensure development proposals avoid an unacceptable impact on highway safety and provide safe and suitable access for all users.

Conclusion

45. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR